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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,190

12/22/2004

Achim Grefenstein

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EXAMINER

KRUER, KEVIN R

ART UNIT

PAPER NUMBER

1773

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,190	<b>Applicant(s)</b> GREFENSTEIN ET AL.	
	<b>Examiner</b> Kevin R. Kruer	<b>Art Unit</b> 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) 12,13,15-21,23,25,26 and 28-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 22, 24, and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/22/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 14, 22, 24, and 27 in the reply filed on February 9, 2007 is acknowledged. The traversal is on the ground(s) that there is insufficient support for the conclusion that a lack of unity exists. This is not found persuasive because of the reasons noted in the restriction requirement of January 24, 2007. Since applicant has not specifically pointed out the deficiency in the examiner's position, applicant's concerns cannot fully be addressed. The restriction requirement has been reviewed and is considered to have sufficient support of the conclusion. Therefore, the restriction is maintained.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 12, 13, 15-21, 23, 25, 26, and 28-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on February 9, 2007.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

4. The information disclosures statement filed December 22, 2004 has been fully considered. An initialed copy of said IDS is enclosed herein.

***Specification***

5. The abstract of the disclosure is objected to because it is more than one paragraph. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14, 22, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 2001/083574 (herein referred to as "Breulmann") in view of WO96/09928 (herein referred to as "Sallmetall"). US 2003/0105225A1 has been utilized as an English translation of the Breulmann reference and all citations herein refer to the U.S. publication.

Breulmann teaches a graft copolymer molding composition comprising  
a1: from 10 to 90% by weight of a particulate graft base A1, made from a particulate emulsion polymer with a glass transition temperature below 0°C made from

all: from 70 to 100% by weight of butadiene or of at least one C1.8-alkyl acrylate,  
or of mixtures of these, as component A11,

a12: from 0 to 20% by weight of at least one polyfunctional crosslinking  
monomer, as component A12,

a13: from 0 to 30% by weight of other copolymerizable monomers, as component  
A13, the total amount of these being 100% by weight,

Art Unit: 1773

a2: from 10 to 90% by weight of a graft A2 made from the following monomers, the amounts being based on A2,

a21: from 60 to 100% by weight of at least one vinylaromatic monomer, or of a (meth)acrylic ester or of mixtures of these, as component A21, and

a22: from 0 to 40% by weight of at least one ethylenically unsaturated monomer, as component A22,

has a median particle diameter of from 130 to 500 nm and has polymodal particle size distribution in which less than 40% by weight of the particles are present in any particle size range of width 50 nm (abstract). The composition further comprises component B which comprises 60-100% by weight of vinylaromatic monomers and 0-40% by weight of an ethylenically unsaturated monomer, preferably of acrylonitrile or methyl methacrylate (0068-0070).

Breulmann does not teach the molding should have the claimed intermediate and outer layers. However, Sallmetall teaches a light transmitting cover foil intended for adhesion to an information-carrying surface (page 1, lines 1-5). The first layer of the cover foil comprises a deformable plastic (abstract). The examiner interprets the taught deformable plastic layer to read on the claimed transparent protective film of claim 41 because it will inherently provide the film with some layer of protection. The deformable plastic layer may be textured or patterned if desired (page 1, lines 30+). The cover foil further comprises a dimensionally stable carrier layer comprising, for instance, PMMA (abstract). The examiner notes that the taught dimensionally stable carrier layer reads on Applicant's claimed "transparent top layer of PMMA." A thermally activated hot melt

Art Unit: 1773

layer comprising EVA, EEA, EBA, EMA, GBA or other low melting thermoplastics may be utilized to adhere the deformable plastic to the carrier sheet (abstract). The layers may be mutually connected via coextrusion (page 2, lines 14-16). It would have been obvious to one of ordinary skill in the art to utilize the cover film taught in Sallmetall on the molding taught in Breulmann in order to protect the sign and provide it with the desired texturing and patterning.

With regards to claim 22, Breulmann does not teach the claimed thickness. However, it would have been obvious to the skilled artisan to vary the thickness of the composite sheet according to the desired end use of the product. With regards to claim 27, the properties claimed therein are understood to be inherent to the composition taught in Breulmann since said composition is compositionally identical to the claimed composition.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1773

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kevin R. Kruer  
Patent Examiner-Art Unit 1773